

## REMARKS

Claims 5 – 8 remain in this application. Reconsideration of this application is respectfully requested.

As an initial matter, it appears that U.S. Patent No. 3,521,853 which is currently applied in the Office Action has been cited as “Pennington et al.” but is actually “Gillis, Jr., et al.” In the previous Office Action, the ‘853 patent was referred to as “Gillis, Jr., et al.” but on both of the PTO-892’s the ‘853 patent is listed as “PENNINGTON JOHN W et al.” It is assumed that the ‘853 patent is the intended reference, rather than another patent issued to Pennington et al.

In the Office Action, claims 7 and 8 were rejected under 35 U.S.C. 112, first paragraph as failing to comply with the enablement requirement. Specifically, the limitation of “claws” in the claims was found to be unrecognizable in the drawings.

With respect to claim 7, applicant submits that the claimed “moveable claws cooperable with said outflow adjustment needle” are shown in the drawings. Specifically, the “moveable claws” are shown as reference character “C” in FIG. 3, and their movement is shown by arrows. The “moveable claws” are also referenced on page 4, lines 15 and 16 of the specification.

For these reasons, applicant submits that the disclosure of “moveable claws” is enabling.

Claim 8 appears to have been rejected solely due to its dependency from claim 7.

Accordingly, applicant respectfully requests that the Section 112 rejection, first paragraph rejection of claims 7 and 8 be withdrawn.

Claims 5 and 6 were rejected under 35 U.S.C. 102(b) as being anticipated by Berg (U.S. Patent No. 4792,290, hereinafter “Berg”). Applicant respectfully traverses this rejection.

With respect to independent claim 5, Berg fails to disclose a fixed structure wherein a float is articulately connected to the fixed structure via a mechanical arm. In Berg, a pump float 21 and a main float 22 are spacedly disposed on a body of liquid 23 (i.e., water), an arm 24 pivotally connects the pump float 21 to the main float 22, and the arm 24 is subject to

angular displacement relative to the main float 22 as the pump float 21 and main float 22 are displaced vertically with respect to each other in response to wave action in the body of liquid 23. (See FIGS. 1, 6, 7 and column 5, line 63 – column 6, line 3). Thus, the main float 22 is not a fixed structure, but instead is disposed and moveable in a body of water.

In contrast, the presently claimed wave energy plant is a mechanical and hydraulic installation comprising a float attached to an end of a horizontal mechanical arm that is articulated at an opposite end connected to a fixed structure, in other words a fixed concrete base in earth (i.e., onshore conception).

For these reasons, claim 5 is not anticipated by Berg and is therefore patentable. Claim 6, depending from claim 5, is also patentable. Accordingly, applicant respectfully requests that the Section 102(b) rejection of claims 5 and 6 as being anticipated by Berg be withdrawn.

Claims 7 and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Berg in view of Gillis, Jr. et al. (U.S. Patent No. 3,521,853, hereinafter “Gillis, Jr.”). Applicant respectfully traverses this rejection.

Applicant incorporates by reference the arguments made above with respect to the patentability of claim 5 over Berg. Based upon those arguments, claim 5 is patentable over Berg. Claims 7 and 8, depending from claim 5, are also patentable over Berg, and any combination of Berg with Gillis, Jr.

Furthermore, with respect to claim 7, Gillis, Jr. does not disclose or fairly suggest an outflow regulating valve including a mechanical set for outflow fine adjustment including moveable claws cooperable with an outflow adjustment needle moveable in the valve main body. In Gillis, Jr., the throttling plunger 22 slides into a throttling passageway 10 of fixed circular cross-section, and a throttling insert 16, which may be made of a hard but inexpensive material, may be inserted into the valve seat insert body 8. (See FIG. 1 and column 3, lines 44 – 53).

In contrast, the presently claimed outflow regulating valve includes moveable claws that cooperate with the adjustment needle to provide for fine adjustment of outflow through

the valve. Thus, the moveable claws provide the outflow passage with a variable, rectangular cross-section for adjustment of the fluid flow rate through the valve.

Therefore, the presently claimed valve is patentably distinct from Gillis, Jr. And Berg fails to remedy the deficiencies of Gillis, Jr.

Claim 8, depending from claim 7, is also patentable over any possible combination of Berg with Gillis, Jr.

For all of these reasons, claims 7 and 8 are patentable over Berg and Gillis, Jr. Accordingly, applicant respectfully requests that the Section 103(a) rejection of claims 7 and 8 as being unpatentable over Berg in view of Gillis, Jr. be withdrawn.

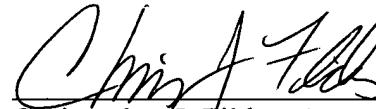
A Petition For A Three-Month Extension Of Time and a PTO-2038 authorizing payment in the amount of \$1,110.00 to cover the fee under 37 CFR 1.17(a)(3) are included with this response.

This request for reconsideration is felt to be fully responsive to the comments and suggestions of the examiner and to place this application in condition for allowance. Favorable action is requested.

Respectfully submitted,

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